

### REMARKS

This Amendment And Request For Reconsideration is filed in response to the Office Action mailed on 22 February 2008 for the subject patent application.

In the present Amendment, the Applicants amend claims 1-3, 10-13, 20-22, and 30; no claims have been added or canceled. No new matter has been entered; the claim amendments are supported by the application as originally filed.

*In the Office Action of 22 February 2007, the Examiner rejected claims of the present application under 35 U.S.C. § 102(e) based on Chowdhury (US Patent Application Publication US2004/0266450A1), as well as under 35 U.S.C. § 103(a) based on Chowdhury and Thielke et al. (US Patent Application Publication US2007/0223408A1). In response, the Applicants respectfully disagree with the Examiner's rejections and submit that the claims as amended are allowable over the prior art of record for at least the following reasons.*

For proper rejections under 35 U.S.C. § 102(e) and § 103(a), the prior art alone or in combination must teach or suggest each and every limitation of the claims. In the present case, the prior art utilized in the claim rejections fails to teach or suggest each and every limitation of the claims.

In particular, the prior art fails to explicitly teach or suggest techniques for controlling a *flow control process* of a wireless communication network. A "flow control process" is a term of art of which one ordinarily skilled in the art would readily appreciate. In view of the Chowdhury reference, the Applicant defines the terminology in more detail for clarification of the differences, in attempt to expedite allowance of the present application.

As one skilled in the art would appreciate, a flow control process is operative to *stop a flow of data packets* being communicated to a mobile station over a data connection *without terminating the data connection* based on detection of an out-of-coverage condition between the mobile station and the wireless communication network. This understanding is based on industry usage (see e.g. cdma200 standards document

X.S0011-003-D on page 30, section 8, A10 Flow Control, attached herewith), which is consistent with that claimed and described in the specification (see e.g. page 8 at lines 6-9 and 30-31, page 9 at lines 26-29, page 17 at lines 16-21, page 18 at lines 2-6 and 17-21, page 19 at lines 1-3).

The Chowdhury reference and other prior art relied upon fail to teach or suggest control over a flow control process as understood by those ordinarily skilled in the art. In Chowdhury, there is no explicit reference made to control over a “flow control process” or similar process, and there is no functional description corresponding to the same either. The reason is that the technique in Chowdhury does not relate to control over a flow control process as understood by those ordinarily skilled in the art.

More particularly, the technique in Chowdhury does not relate to control over wireless network termination of the *flow of data* over a data connection as a result of detecting an out-of-coverage condition. Rather, at the time of tearing down the communication session in Chowdhury (e.g. see paragraph 36 of Chowdhury), it is described that the mobile station enters into a dormant state where no further data is exchanged between the mobile station and the other station (see e.g. paragraph 33 of Chowdhury). Thus, there is no control being asserted over the *flow of data* based on detection of an out-of-coverage condition, as described in Chowdhury.

Furthermore, the technique in Chowdhury does not relate to control over wireless network termination of the flow of data over a data connection, *without termination of the data connection*, as a result of detecting an out-of-coverage condition. In contrast, it is described in Chowdhury that the wireless network causes the actual *communication session to be terminated*. This appears to be a primary focus of the technique of Chowdhury. Thus, the Chowdhury reference may be said to teach away from any modification to refrain from termination of the data connection.

Based on the above, all pending claims are allowable over the prior art of record. Other reasons for allowability of the independent and dependent claims are apparent to those of ordinary skill in the art, but not articulated herein due to the already-provided reasons for allowability.

The Applicants respectfully request the Examiner to withdraw all claim rejections and allow the application as is appropriate.

Thank you. The Examiner is welcome to contact the undersigned if necessary to expedite prosecution of the present application.

Respectfully submitted,

/John J. Oskorep/

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